

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Morgan Stanley Data Security Litigation

20 Civ. 5914 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 5, 2022, in a lengthy bench decision, the Court approved (1) the proposed class action settlement; and (2) attorneys’ fees, costs, and service awards, issuing separate orders as to these subjects. Dkts. 156, 157, 158. At that hearing, the Court denied Ms. Melissa Linden’s motion for joinder, Dkt. 123, and motion to stay, Dkt. 130, recognizing that the motions “appear to be premised on her assertion that the settlement does not provide adequate relief and concern with her future ability to bring claims against Morgan Stanley for issues relating to her deceased father’s account.” Dkt. 160 at 5. The Court noted that, to the extent Ms. Linden believed she had claims against Morgan Stanley based on issues related to her father’s account, her recourse would have been to opt out of the class action. *Id.* at 5–6. Because Ms. Linden had not opted out of the class action, the Court respectfully denied her motions. *Id.* at 6. Separately, the Court noted Ms. Linden’s objections to the settlement, *see* Dkt. 122, and directed questions to plaintiffs about those objections. Dkt. 160 at 75–77.

On November 22, 2022, the Court received three letters from Ms. Linden: (1) a letter motion to vacate judgment pursuant to Federal Rule of Civil Procedure 60(b)(1) and hold oral argument on the motion, due to, *inter alia*, purported errors in the characterization of her as a “non-party joiner” on the docket of this case, *see* Dkt. 192; (2) a letter motion for sanctions

against defendant Morgan Stanley based on alleged misconduct by its counsel, *see* Dkt. 194; and (3) a letter motion objecting to the November 7, 2022 termination of transcript deadlines, *see* Dkt. 193.

The Court orders plaintiffs to respond to Ms. Linden's letter motion to vacate judgment and Morgan Stanley to respond to Ms. Linden's letter motion for sanctions by December 2, 2022. The Court further directs plaintiffs' counsel to furnish a copy of this order and, once filed, the responses to Ms. Linden's motions to Ms. Linden forthwith and to file notice of such service on the docket. The Court will turn thereafter to resolving Ms. Linden's motions.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 22, 2022
New York, New York